

NS:NEM/PAS

F. #2020R00098/OCDETF#NY-NYE-882

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

MARLON SARACAY-LOPEZ,
also known as "Plocky,"
EMERSON MARTINEZ-LARA,
also known as "Fugitivo,"
VICTOR RAMIREZ,
also known as "Frijolito," and
ISMAEL SANTOS-NOVOA,
also known as "Profe"
and "Travieso,"

Defendants.

----- X

EASTERN DISTRICT OF NEW YORK, SS:

LUZ MONTANEZ, being duly sworn, deposes and states that she is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

In or about and between January 2019 and March 2020, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants MARLON SARACAY-LOPEZ, also known as "Plocky," EMERSON MARTINEZ-LARA, also known as "Fugitivo," and ISMAEL SANTOS-NOVOA, also known as "Profe" and "Travieso," together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a controlled substance, which offense involved

TO BE FILED UNDER SEAL

20-MJ-350

COMPLAINT AND
AFFIDAVIT IN SUPPORT
OF ARREST WARRANT

(18 U.S.C. §§ 924(c)(1)(A)(iii), 1959(a)(5),
and 2; T. 21, U.S.C., §§ 841(a)(1),
841(b)(1)(D) and 846)

a substance containing marijuana, a Schedule I controlled substance, contrary to Title 21, United States Code, Section 841(a)(1).

(Title 21, United States Code, Sections 846 and 841(b)(1)(D))

In or about and between May 2019 and July 2019, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendants MARLON SARACAY-LOPEZ, also known as “Plocky,” EMERSON MARTINEZ-LARA, also known as “FUGITIVO,” and ISMAEL SANTOS-NOVOA, also known as “Profe” and “Travieso,” together with others, for the purpose of gaining entrance to, and maintaining and increasing position in, the MS-13, an enterprise engaged in racketeering activity, did knowingly and intentionally conspire to murder John Doe 1, an individual whose identity is known to the affiant, in violation of New York Penal Law Sections 125.25(1) and 105.15.

(Title 18, United States Code, Sections 1959(a)(5))

On or about August 25, 2019, within the Eastern District of New York and elsewhere, the defendants MARLON SARACAY-LOPEZ, also known as “Plocky,” VICTOR RAMIREZ, also known as “Frijolito,” and ISMAEL SANTOS-NOVOA, also known as “Profe” and “Travieso,” together with others, for the purpose of gaining entrance to and maintaining and increasing position in La Mara Salvatrucha, an enterprise engaged in racketeering activity, did knowingly and intentionally attempt to murder John Doe 2, an individual whose identity is known to the affiant, in violation of New York Penal Law Sections 125.25(1), 110.00 and 20.00.

(Title 18, United States Code, Sections 1959(a)(5) and 2)

On or about August 25, 2019, within the Eastern District of New York, the defendants MARLON SARACAY-LOPEZ, also known as “Plocky,” VICTOR RAMIREZ,

also known as “Frijolito,” and ISMAEL SANTOS-NOVOA, also known as “Profe” and “Travieso,” did knowingly and intentionally discharge a firearm during and in relation to a crime of violence, to wit the attempted murder in-aid-of racketeering of John Doe 2 set forth above.

(Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2)

The source of your deponent’s information and the grounds for her belief are as follows:¹

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), and have been since 2009. I am currently assigned to Squad C-13 in the New York Field Office, Brooklyn/Queens Resident Agency, where I investigate gangs, narcotics trafficking, firearms trafficking, fraud, violent crime and other offenses. I have participated in numerous investigations during the course of which I have (a) conducted physical and wire surveillance; (b) executed search warrants at locations where contraband has been found; (c) reviewed and analyzed numerous taped conversations discussing criminal activity; (d) debriefed cooperating defendants and other witnesses; (e) monitored wiretapped conversations and reviewed line sheets prepared by wiretap monitors; and (f) searched electronic evidence. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, including the defendant’s’ criminal histories; and from reports of other law enforcement officers involved in the investigation.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

The Enterprise

2. Based on information provided through the debriefing of cooperating witnesses and confidential informants, as well as speaking with other law enforcement agents, among others, I am aware of the following facts, among others, regarding La Mara Salvatrucha (“MS-13” or the “enterprise”). At all times relevant to this Complaint:

3. La Mara Salvatrucha, also known as the “MS-13” (hereinafter the “MS-13” or the “enterprise”), was a transnational criminal organization comprised primarily of immigrants from Central America, with members located throughout Queens, New York, Long Island, New York, and elsewhere, divided into local chapters, or “cliques.”

4. The MS-13 routinely held meetings to plan criminal activity, and members paid dues into a treasury. The treasury funds were used to purchase firearms, ammunition and other weapons for use in criminal activity. Additionally, treasury funds were sent to MS-13 members in Central America. Members of the MS-13 sometimes signified their membership with the colors of blue and white, and with graffiti and tattoos reading, among other things, “13,” “MS” and “MARA SALVATRUCHA,” frequently written in gothic lettering.

5. Members of the MS-13 engaged in acts of violence, including acts involving murder, assault, witness tampering and witness retaliation, as well as other criminal activity, including narcotics trafficking. Participation in criminal activity by a member, especially violence directed at rival gang members or at MS-13 members or associates believed to have violated the enterprise’s rules, increased the respect accorded to the member and could result in promotion to a leadership position. Members of the MS-13 purchased, maintained and circulated a collection of firearms and other weapons for use in criminal activity.

6. The MS-13, including its leadership, members and associates, constituted an “enterprise” as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact that was engaged in, and the activities of which affected, interstate and foreign commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

Purposes of the Enterprise

7. The purposes of the enterprise included the following:

(a) Promoting and enhancing the prestige, reputation and position of the enterprise with respect to rival criminal organizations.

(b) Preserving and protecting the power, territory and criminal ventures of the enterprise through the use of intimidation, threats of violence and acts of violence, including assault and murder.

(c) Keeping victims and rivals in fear of the enterprise and its members and associates.

(d) Enriching the members and associates of the enterprise through criminal activity, including narcotics trafficking.

(e) Ensuring discipline within the enterprise and compliance with the

enterprise's rules by members and associates through threats of violence and acts of violence.

Means and Methods of the Enterprise

8. Among the means and methods by which members of the MS-13 and their associates conducted and participated in the conduct of the affairs of the enterprise were the following:

(a) Members of the MS-13 and their associates committed, attempted to commit and threatened to commit acts of violence, including acts involving murder and assault, to enhance the enterprise's prestige and protect and expand the enterprise's criminal operations.

(b) Members of the MS-13 and their associates used and threatened to use physical violence against various individuals, including members of rival criminal organizations and against MS-13 members or associates believed to have violated the enterprise's rules.

(c) Members of the MS-13 and their associates used, attempted to use and conspired to use narcotics trafficking as means of obtaining money.

The Defendants

9. The defendants MARLON SARACAY-LOPEZ, also known as "Plocky," and ISMAEL SANTOS-NOVOA, also known as "Profe" and "Travieso," were members of the MS-13. The defendants EMERSON MARTINEZ-LARA, also known as "Fugitivo," and VICTOR RAMIREZ, also known as "Frijolito," were associates of the MS-13.

Marijuana Distribution Conspiracy

10. In September 2019, an MS-13 associate, referred to herein as “CC-1” was arrested by the New York City Police Department (“NYPD”). Following CC-1’s arrest, CC-1’s cellular telephone (the “CC-1 Phone”) was seized and searched. The search revealed that the CC-1 Phone had a telephone number saved as a WhatsApp² contact under the name “Plo” (the “Plo Number”), which are the first three letters of the alias “Plocky.”

11. Following his arrest, CC-1 began cooperating with law enforcement and ultimately entered into a cooperation agreement with the government.³ CC-1 has informed law enforcement of the following, in substance and in part:

a. Indios Locos Salvatruchas (“ILS”) is an MS-13 clique, or subset, with which he had been associated. “Plocky” is a high-ranking ILS clique member. The Plo Number belongs to “Plocky.”⁴

² WhatsApp is a cross-platform messaging and Voice over IP application. It allows users to send text messages and voice messages, make voice and video calls, and share images, documents, user locations, and other media via end-to-end user encryption.

³ CC-1 has committed crimes including marijuana distribution and attempted murder and is cooperating with the government in hopes of receiving leniency at sentencing. CC-1 has provided reliable information in this investigation, which has been corroborated by independent evidence, such as witness statements, other sources of information, phone records and surveillance footage.

⁴ CC-1 has also identified “Plocky’s” voice in a recorded message from the Plo Number saved on the CC-1 Phone. On or about December 17, 2019, the Honorable Robert M. Levy, United States Magistrate Judge, signed a search warrant authorizing the seizure of location information to be disclosed by T-Mobile associated with the Plo Number for a period of thirty days. Between December 19, 2019 and January 16, 2020, the Plo Number was regularly located in the vicinity of the defendant MARLON SARACAY-LOPEZ’s residence, as indicated on SARACAY-LOPEZ’s California driver’s license. In March 2020, FBI special agents accessed the WhatsApp application and identified the WhatsApp account associated with a telephone number ending in 0582 (the “SARACAY-LOPEZ PHONE”). The user

b. In 2019, “Travieso” (SANTOS-NOVOA) regularly purchased ounces of marijuana, which SANTOS-NOVOA then divided into bags that were sold for \$10 per bag. SANTOS-NOVOA would then distribute the bags of marijuana to other ILS members, including CC-1, to sell to make money on behalf of the ILS clique.

12. The CC-1 Phone also included a group chat entitled “Ils torres en grande,” which translates from Spanish to English as “ILS big towers.” The “Ils torres en grande” group chat participants were CC-1, “Plo,” and contacts saved in the CC-1 Phone as “Prf,” and “Jifu.” “Prf” is “Profe,” ISMAEL SANTOS-NOVOA’s alias, without vowels and

photograph of the WhatsApp account associated with the SARACAY-LOPEZ PHONE depicts the same photograph that was associated with the WhatsApp account for the Plo Number. I have listened to telephone calls consensually recorded by Rikers Island Correctional Facility where the SARACAY-LOPEZ PHONE is a party. The voice of the user of the SARACAY-LOPEZ PHONE, who is referred to as “el P,” is consistent with “Plocky’s” voice, as identified in a voice message by CC-1.

On January 24, 2020, the Honorable Cheryl Pollak, United States Magistrate Judge, signed a search warrant authorizing the seizure of location information to be disclosed by T-Mobile associated with the SARACAY-LOPEZ PHONE for a period of thirty days. After the execution of that warrant, law enforcement agents conducted physical surveillance of MARLON SARACAY-LOPEZ from February 3, 2020 through February 5, 2020. During that time period, SARACAY-LOPEZ’s location was consistent with the location of the SARACAY-LOPEZ PHONE at all times.

In addition, on February 5, 2020, SARACAY-LOPEZ was a passenger in a truck that was the subject of a car stop by local law enforcement. During the car stop, a Los Angeles Police Department (“LAPD”) Detective asked SARACAY-LOPEZ to step out of the truck, which he did. The Detective patted down SARACAY-LOPEZ and felt two cellular telephones on his person. The Detective asked for permission to remove SARACAY-LOPEZ’s cellular telephones from his pants pocket. SARACAY-LOPEZ consented. While SARACAY-LOPEZ’s cellular telephones were on a storage box in the truck bed, another LAPD Detective called the SARACAY-LOPEZ PHONE and one of SARACAY-LOPEZ’s cellular telephones began to ring. A review of telephone records associated with the SARACAY-LOPEZ PHONE reveals a record of the call placed from the LAPD Detective’s telephone at the time one of SARACAY-LOPEZ’s cellular telephone rang. Based on the foregoing, I believe that defendant MARLON SARACAY-LOPEZ is “Plocky.”

“Jifu” is the first two syllables of “Fugitivo,” EMERSON MARTINEZ-LARA’s alias, reversed. CC-1 has identified the “Prf” telephone number and the “Jifu” telephone number saved on the CC-1 Phone as belonging to “Profe” and “Fugitivo,” respectively. CC-1 has also (1) identified a photograph of SANTOS-NOVOA as an ILS member who uses the aliases “Travieso” and “Profe;” and (2) identified a photograph of EMERSON MARTINEZ-LARA as ILS associate “Fugitivo.”

13. In this group chat, CC-1, MARLON SARACAY-LOPEZ, EMERSON MARTINEZ-LARA and ISMAEL SANTOS-NOVOA discussed ILS business, including the gang initiation of a prospective ILS member, as well as the sale of drugs.

14. The search of the CC-1 Phone revealed that on or about September 13, 2019, ISMAEL SANTOS-NOVOA sent the following voice message to the “Ils torres en grande” group chat, which has been translated from Spanish to English:⁵

What’s up? What’s up? What’s going on? I’m here, guys, checking in. Okay, yeah, Friday the 13th. Yes, all in. What’s up, [CC-1]? What’s up, Fuji? What’s up, Plocky? How are we doing there? Okay, how are things? I’m here hanging out in the streets a bit. I will be around the court in College, okay. You know what’s up. Fuji, what’s up? We are going to go by that area, man. Get the weed out. Yeah, later.

I believe, based on my training, experience and participation in this investigation, that in this message, SANTOS-NOVOA informed the other members of the “Ils torres en grande” group chat, including MARLON SARACAY-LOPEZ and EMERSON MARTINEZ-LARA that members of ILS were going to sell marijuana (“we are going to go by that area, man. Get that

⁵ All translations and transcripts set forth herein are draft translations and transcripts, subject to revision, and are not final translations and transcripts.

weed out.”).

15. That same day, MARLON SARACAY-LOPEZ sent the following voice message to the “Ils torres en grande” group chat, which has been translated from Spanish to English:

Hey, hey, great. Look and what’s up with Victor? How is he? Look, how – according to you guys there, how do you see Victor? Do you think he is ready to, yeah, to get him activated as it should be as a paro, or what’s up? Do we give him more time? What do you guys think there?

I am aware, based on my training, experience and participation in this investigation, that prospective members of MS-13 are called “paros,” and are allowed to associate with the gang. I believe, based on my training, experience and participation in this investigation, that in this message, SARACAY-LOPEZ is asking CC-1, ISMAEL SANTOS-NOVOA and EMERSON MARTINEZ-LARA if “Victor” is ready to become an MS-13 “paro” (“Do you think he is ready to, yeah, to get him activated as it should be as a paro, or what’s up?”). I believe, based on my training, experience and participation in this investigation that “Victor” is a reference to VICTOR RAMIREZ, also known as “Frijolito.”

16. On or about September 14, 2019, ISMAEL SANTOS-NOVOA sent the following voice message to the “Ils torres en grande” group chat, which has been translated from Spanish to English:

What’s up? What’s up, [CC-1]? Look, if you didn’t work, man, call the guy for the weed we need to get it for later on. At least two ounces, man. Buy bags, also if you have money to-to pack it. I have a weight to weigh it. Yeah, buy two ounces, but let it be the good one, man. The 190 at least. The-the on [PH]⁶, yup. We will talk later around 2:00 or 3:00 in the afternoon. I’m going to try and go early. Okay, yup.

⁶ “[PH]” stands for phonetic.

I believe, based on my training, experience and participation in this investigation, that in this message, SANTOS-NOVOA asked CC-1, in the “Ils torres en grande” group chat to obtain two ounces of marijuana (“call the guy for the weed” “buy two ounces”), which SANTOS-NOVOA would then weigh for distribution (“I have a weight to weigh it.”).

17. On or about September 17, 2019, SANTOS-NOVOA sent a photograph to the “Ils torres en grande” group chat of what appears, based on my training and experience, to be a bag of marijuana, as well as the following voice message, which has been translated from Spanish to English:

What’s up? What’s up? I have the joints ready, you see. Okay. The portions are ready from Campero for each of you, yes. Come and get them this afternoon. What’s up, Fugitivo? Come by tonight to pick up your stash and drop off the money as well. Yes, [CC-1], come and get yours and the guys also. Later.

I believe, based on my training, experience and participation in this investigation, that in this message, SANTOS-NOVOA told other members of the “Ils torres en grande” group chat that he had marijuana (“the joints”) available for other gang members, including EMERSON MARTINEZ-LARA, also known as “Fugitivo,” to pick up (“Fugitivo? Come by tonight to pick up your stash” “[CC-1], come and get yours and the guys also”) and that the gang members should provide him with money for the drugs (“and drop off the money as well”).

18. A few hours later on the same day, the following voice messages were sent MARLON SARACAY-LOPEZ, ISMAEL SANTOS-NOVOA, and EMERSON MARTINEZ-LARA to the “Ils torres en grande” group chat, which messages have been translated from Spanish to English:

SARACAY-LOPEZ: Okay, good, and look, what’s up? How much are those? 10 or 20? Because the

truth is, I see it very light, man. What's up? Because you know that, that we had to see what was up. What was the total, brother, so we can see more or less? You know it has to be double the earnings, okay. Yup. Because I see those bags very light, man. What's up?

SARACAY-LOPEZ: Not double, but half, because you have to be aware that if the – if the ounce is bought at 180, we have to get 220 at least, okay, of – of earnings for it to work.

SANTOS-NOVOA: Nah, these are 10, man. The guys told me to make 10 because, yeah, [U/I] bad, man, plus the 10, man, yes. It cost us \$2, okay. We are going to make like \$3, something like that, \$3 and something. Yeah, I already got rid of mine. I sold it already, yup, I almost got rid of all of it. I just sold almost \$80 just now in the morning. Yes, I have the money now. I have the ones for the guys also, you see. They have to concentrate on selling the rest. I already did mine. [Laughs]

SARACAY-LOPEZ: Look, in other words, okay, you spent \$2 and you made \$3. In other words basically you made, we're going to make \$5 dollars, right? Or-or was it \$3 with everything and the \$2 that you spent? Otherwise, damn, you're just making \$100 dollars and that's nothing, for real. Okay, but if it's like that, it means that we made \$3 dollars or it's crazy, if you spent \$2, we are making \$5 dollars right off.

MARTINEZ-LARA: What's up? What's up? Yes, look, Profe, what's up? Where are you, man? I'm going to go up now, you see, by the Sanford, doggie, you see. I can see you there to pay you some money and get my-my load, okay?

I believe, based on my training, experience and participation in this investigation, that in these

conversations SARACAY-LOPEZ, ISMAEL SANTOS-NOVOA, and EMERSON MARTINEZ-LARA, are discussing marijuana distribution (“I sold it already” “I have the ones for the guys also” “They have to concentrate on selling the rest”) and the profit that is being made from their marijuana distribution for the ILS clique, specifically ten dollar bags of marijuana (“these are 10” “It cost us \$2, okay. We are going to make like \$3”). MARTINEZ-LARA, in response to SANTOS-NOVOA’s prior message telling the other participants to “pick up [their] stash,” also agrees to pick up marijuana for distribution (“I can see you there to pay you some money and get my-my load, okay?”).

May 2019 – July 2019 Conspiracy to Murder John Doe-1

19. CC-1 has provided the following information, in substance and in part:

a. John Doe 1 was an ILS MS-13 “paro.” ISMAEL SANTOS-NOVOA, an ILS “homeboy,” or full-fledged member of MS-13, ordered John Doe 1 to kill a rival gang member. John Doe 1 did not kill a rival gang member as instructed. At an ILS clique meeting in approximately April 2019, in which, MARLON SARACAY-LOPEZ, who was a high-ranking ILS member, participated by telephone, SARACAY-LOPEZ ordered John Doe 1 to kill a member of the 18th Street gang given how long John Doe 1 had been associated with ILS by then. SANTOS-NOVOA echoed SARACAY-LOPEZ’s order that John Doe 1 had to kill a rival gang member.

b. A few weeks after this meeting, John Doe 1 disappeared and stopped associating with the ILS clique. Thereafter, MARLON SARACAY-LOPEZ informed CC-1, ISMAEL SANTOS-NOVOA and EMERSON MARTINEZ-LARA that John Doe 1 had been “greenlit,” meaning that the MS-13 leaders had authorized John Doe 1 to be killed. Thereafter, SANTOS-NOVOA directed ILS clique members to look for John Doe 1

until they found him and to inform SANTOS-NOVOA when John Doe 1 was found, so he could be killed. CC-1 and MARTINEZ-LARA searched for John Doe 1 together on multiple occasions, but did not find him. In the event that they had found John Doe 1, CC-1 and MARTINEZ-LARA planned to notify SANTOS-NOVOA, who was going to kill John Doe-1.

August 2019 Assault and Attempted Murder of John Doe 2

20. Based on my training, experience and participation in the investigation, I know that (1) the 18th Street gang (“18th Street”) is a gang comprised primarily of immigrants from Central America, with members located throughout Queens, New York and elsewhere, divided into local chapters or “cliques;” and (2) MS-13 and 18th Street have an ongoing rivalry that has resulted in various historical acts of violence.

21. On or about August 25, 2019, in the vicinity of 37-86 103rd Street in Queens, New York, VICTOR RAMIREZ, CC-1 and another co-conspirator (“CC-2”) participated in an attack on John Doe 2. Specifically, surveillance footage recovered from the vicinity of 37-86 103rd Street depicts RAMIREZ, CC-1 and CC-2 exiting a red Nissan Pathfinder in front of the location where they carried out the assault. After exiting the Pathfinder, CC-1 can be seen approaching John Doe 2, who was on a bicycle at the time. As RAMIREZ and CC-2 approached John Doe-2, RAMIREZ put up the hood of his sweatshirt partially covering his face and head and CC-2 put on a bandanna covering the lower half of his face below his nose. Surveillance footage next depicts CC-1 approach John Doe 2 and

verbally confront John Doe 2 as CC-1 pulled up John Doe 2's shirt up to John Doe 2's neck exposing John Doe 2's entire chest.⁷

22. Thereafter, CC-1 can be seen repeatedly punching John Doe 2 in his face and body causing John Doe 2 to fall to the ground, at which point VICTOR RAMIREZ, CC-1 and CC-2 continue to punch and kick John Doe 2 in the face and body. During the attack, John Doe 2 removed what appeared to be a knife from his person in an attempt to defend himself from his attackers. CC-1 then got onto John Doe 2's bicycle and attempted to ride away from John Doe 2 as John Doe 2 chased RAMIREZ, CC-1 and CC-2.

23. Additional surveillance footage recovered from the vicinity of 37-86 103rd Street, which is located between 37th and 39th Avenues, in Queens, then depicts John Doe 2 running towards 37th Avenue after VICTOR RAMIREZ, CC-1 and CC-2. The men run less than one city block, at which point the surveillance footage depicts CC-1 running after John Doe 2. CC-1 then produces what appears to be a firearm and repeatedly discharges the firearm in the direction of John Doe 2 from approximately the length of two store fronts. Multiple muzzle flashes are captured on the surveillance footage.

24. Rather than hitting John Doe-2, the gunshots fired by CC-1 hit an innocent bystander. The bystander advised law enforcement, in sum and substance, that he was walking home from a bar when he noticed a fight and subsequently heard what he believed were multiple gunshots and then felt pain in his left calf. He then realized he had been shot

⁷ I know based upon my training and experience and reports from other law enforcement agents involved in the investigation of the MS-13 that MS-13 gang members will verbally or physically check or inspect other suspected rival gang members, including 18th Street gang members for gang tattoos.

in his left calf. The bystander was treated at a nearby hospital for a gunshot wound to his left calf.

25. Additional surveillance footage from outside of the vicinity of 37-53 103rd Street in Queens next captured CC-1 running away from the vicinity of the shooting with what appears to be a firearm in his hand.

26. On August 25, 2019, NYPD officers conducted a search for ballistics evidence at the scene of the shooting. NYPD crime scene officers recovered four .25-caliber shell casings and one fired bullet on the sidewalk in front of 37-86 103rd street in Queens.

27. CC-1 has advised the following, in substance and in part:

a. CC-1 received an order from “Plocky” (SARACAY-LOPEZ) to kill 18th Street gang member John Doe 2. CC-1 agreed. According to CC-1, the catalyst for the order to kill John Doe 2 was that one evening when CC-1 was near 103rd Street and Roosevelt Avenue in Queens, New York, a man, approached CC-1 and asked if he belonged to a gang. The man then threw up 18th Street gang signs, pulled a knife and charged at CC-1. During the ensuing struggle, CC-1 was stabbed in the leg. At the time of the assault, CC-1 was wearing Nike Cortez sneakers, which I am aware, based on my training, experience and participation in this investigation, are frequently worn by members of MS-13 to signify their gang membership.

b. “Travieso” (SANTOS-NOVOA) told CC-1 that both he and Plocky (SARACAY-LOPEZ) had agreed that if CC-1 ever saw the 18th Street member (John Doe 2) who stabbed him, that CC-1 had to kill him (John Doe 2). SANTOS-NOVOA stressed to CC-1 that he had to kill John Doe-2 because CC-1 had not yet proved himself to the gang

by committing a violent act on the gang's behalf. SANTOS-NOVOA instructed CC-1 to buy a gun so that he could commit the murder of John Doe 2 and gave CC-1 money for that purpose.

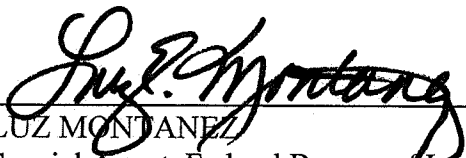
c. A few weeks after John Doe-2 assaulted CC-1, CC-1 saw John Doe 2. VICTOR RAMIREZ, CC-1 and CC-2 then set out to attack John Doe 2. CC-1 was armed with a gun, which he showed to RAMIREZ and explained that he was going to use the gun to kill John Doe 2. RAMIREZ agreed to help. RAMIREZ had previously asked CC-1 to introduce him to MS-13 members because he wanted to join the gang.

d. VICTOR RAMIREZ, CC-1 and CC-2 approached John Doe 2, pulled up his shirt and asked if he was in a gang. John Doe 2 indicated that he was an 18th Street gang member. RAMIREZ, CC-1 and CC-2 punched John Doe 2, who after escaping their clutches, pulled a knife. CC-1 then pulled his gun and shot at John Doe 2.

WHEREFORE, your deponent respectfully requests that the defendants MARLON SARACAY-LOPEZ, also known as "Plocky," EMERSON MARTINEZ-LARA,

also known as “Fugitivo,” VICTOR RAMIREZ, also known as “Frijolito,” and ISMAEL SANTOS-NOVOA, also known as “Profe” and “Travieso,” be dealt with according to law.

I further request that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the affidavit and arrest warrants. Based upon my training and experience, I have learned that criminals actively search for criminal affidavits and arrest warrants via the internet. Therefore, premature disclosure of the contents of this affidavit and related documents will seriously jeopardize the investigation, including by giving the defendants an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence and change patterns of behavior.


LUZ MONTANEZ
Special Agent, Federal Bureau of Investigation

Sworn to before me this
5 day of May, 2020



THE HONORABLE VERA M. SCANLON
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

Sworn telephonically on 5/5/20 at 1:40 PM, Brooklyn, NY VMS